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TRANSCRIPT OF PROCEEDINGS

CIRCUIT COURT

TWENTIETH JUDICIAL CIRCUIT

ST. CLAIR COUNTY, ILLINOIS

CHARLES KUEPER, Plaintiff, v. R. J. REYNOLDS COMPANY, THE TOBACCO INSTITUTE, INC., and REESE DRUG STORES, INC., Defendants.	CONFIDENTIAL Case Number 91-L-734

DEPOSITION OF SUSAN STUNTZ

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Friday, June 26, 1992

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DEPOSITION OF SUSAN STUNTZ

Washington, D. C.

Friday, June 26, 1992

Deposition of SUSAN STUNTZ, called for examination pursuant to notice of deposition, at the law offices of Covington and Burling, 1201 Pennsylvania Avenue, N.W., Suite 1002, at 9:30 a.m. before KRISTINE A. O'CONNOR, a Notary Public within and for the District of Columbia, when were present on behalf of the respective parties:

BRUCE N. COOK, ESQ.
Cook, Shelvin & Keefe Ltd.
12 West Lincoln Street
Belleville, Illinois 62220
On behalf of Plaintiff.

-- continued --

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APPEARANCES:

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Reese Drug Stores, Inc.

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C O N T E N T S

WITNESS	EXAMINATION
Susan Stuntz	
by Mr. Cook	4

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E X H I B I T S

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PROCEEDINGS

Whereupon,

SUSAN STUNTZ

was called as a witness and, having first been duly sworn, was examined and testified as follows:

EXAMINATION

BY MR. COOK:

Q Would you state your name and address for the record, ma'am.

A My name is Susan Stuntz. My business address is 1875 Eye Street, Northwest, Suite 800, Washington, D.C., zip 20006.

Q Ms. Stuntz, where were you born?

A I was born in Detroit, Michigan.

Q And what year were you born?

A 1952.

Q Rough year for you this year?

A Not yet.

Q Where did you go high school, Ms. Stuntz?

A I went to high school across the river in Alexandria, Virginia.

Q Is it S-t-u-n-t-z?

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A Yes.

Q What year did you graduate?

A 1970.

Q Did you matriculate to any university following your graduation from high school?

A Yes. I went to Virginia Tech in Blacksburg, Virginia.

(Discussion off the record.)

BY MR. COOK:

Q Did you graduate from Virginia Tech?

A Yes, I did.

Q Were you a cheerleader?

A No.

Q What was your major field of study, ma'am?

A I had three majors. I majored in political science, in history and in secondary education.

Q Did you teach high school, then?

A Just as a substitute for a little while after -- when I was in a new place, looking for permanent work.

Q Do you have any postgraduate degrees?

A Yes.

Q What kind of postgraduate degree do you have?

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A I have a master's degree in journalism.

Q From what university?

A University of Missouri, Columbia.

Q What year did you get your master's degree?

A 1975.

Q And after you graduated from that august university, what did you do professionally?

A Immediately after I graduated I worked as a substitute teacher. Subsequently, I took a job as the editor of a small-town newspaper in Connecticut.

Q What part of Connecticut?

A I was in Newington, Connecticut.

Q How long did you edit?

A I edited at that small-town newspaper for only about six months.

Q What did you do next?

A I took a higher paying job at the University of Connecticut as a public information officer.

Q When did you go to work for The Tobacco Institute?

A I started work at The Tobacco Institute in December of 1979.

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Q Had you ever -- maybe I better go back. Tell me what happened between UConn and The Tobacco Institute?

A I was at UConn from 1976 until 1979 and chose to return to Washington because of the kind of career I was looking for. Washington seemed like a more appropriate place for it.

Q You decided you'd have a career in tobacco?

A I would say looking for a career in journalism, public relations and there was more opportunities, more trade associations in Washington than in Connecticut.

Q What was your first position with The Tobacco. Institute?

A I was initially hired as a writer in the public relations division.

Q Who hired you?

A At the time the senior vice president for the division was a man named William Kloepfer, K-l-o-e-p-f-e-r.

Q Sounds like some kind of crop. Was there a home lot on that?

A I don't know.

Q Probably was at one time. Did he appear to be a

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sinister man? What do you do now?

A Currently, I'm senior vice president for public affairs.

Q Who is your boss?

A Samuel Chilcote.

Q What would be your position in terms of hierarchy with respect to Brennan Dawson?

A Brennan reports directly to me.

Q To you?

A Yes.

Q Do you smoke?

A No, I don't.

Q I think if you did, you might be president by now. And you report directly to Sam Chilcote and he reports to the Cabots and they only report to God?

A I report to Sam Chilcote.

Q You don't know who he reports to?

A I believe Sam Chilcote reports to the executive committee.

Q Who do you understand to be on the executive committee?

A The executive committee consists of two

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representatives each from the four companies who are members of the institute.

Q Could you name those companies for me.

A Philip Morris, R. J. Reynolds, Lorillard and Liggett.

Q What kind of cigarettes does Liggett make?

A I'm sorry. I don't know.

Q You don't chew tobacco I assume?

A No, I don't.

Q Are you married?

A No.

Q How long were you a writer?

A I was a writer from the time I was hired in 1979 until I think about 1983.

Q Who was the president of The Tobacco Institute when you were writing, Horace Kornegay?

A Horace Kornegay was the president when I joined the institute. He subsequently was named chairman, and Sam Chilcote became president. So they were both president while I was a writer.

Q Is Horace still living?

A Yes, he is.

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Q Did you like Horace?

A Yes, I did.

Q What type of things would you write? Would you write speeches for Mr. Kornegay?

A My writing assignments were typically institute brochures on things like tobacco's history in the United States. I wrote a brochure called "Tobacco: Deeply Routed in America's Heritage." I would do similar brochures for states where tobacco was grown. I wrote brochures on things like the economic impact of tobacco in various states. I wrote various issue-type sheets, that kind of thing.

Q Like true or false tobacco facts, things like that?

A I don't recall writing that one, no.

Q Did you write things like this, though? I've seen "Cigarette Controversy: Why More Research Is Needed." This is Deposition Exhibit Number 1. Did you perhaps write that?

A No, I didn't write that.

Q Have you seen it before?

A Yes, I recall having seen it.

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MR. CRIST: Did we write that? Is that marked as Dawson 1?

MR. COOK: No.

(Discussion off the record.)

BY MR. COOK:

Q I've seen a number of brochures that look like that, and I don't think I brought any of them with me. Things that say things like the eight most frequently asked questions about tobacco and the answers or the 20 most frequently asked questions and the answers and they look like -- all I have are Xeroxed copies of them. They look like they were slick handouts at one time. I'm talking about the type of printing rather than the verbiage. Did you do those type of things?

A I did a number of brochures. I may have contributed some to your answers to most asked questions brochure. I didn't do all of the questions, I know that.

Q At The Tobacco Institute do you do your own printing?

MR. HEPLER: You mean brochure or something?

BY MR. COOK:

Q Brochures, letters, mailers.

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MR. HEPLER: Print shop.

THE WITNESS: We don't have a printing press on site. No, we contract out for that.

BY MR. COOK:

Q Who does your artwork?

A Some of our artwork is done in house. Some of the artwork is done again by contract partisans.

Q So you have, at least in the period of time that you were a writer, participated in the preparation of documents that have to do with tobacco and health issues?

A My participation on documents that have to do with tobacco and health issues, as near as I can recall, was limited to either proofreading or checking what was written against the source material. I didn't participate in any of the actual writing of any of those documents.

Q Who would have been responsible for the content on those documents, the most frequently asked questions about?

(Discussion off the record.)

BY MR. COOK:

Q If you recall my question, I'm sure that you do, but it had to do with who was responsible for the content

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on those brochures.

MR. HEPLER: He means the writing of them.

THE WITNESS: Most of the writing on these brochures was a woman named Anne Duffin.

BY MR. COOK:

Q Anne Duffin?

A Yes.

Q Is Ms. Duffin still with The Tobacco Institute?

A No, she's not.

Q Is she still alive?

A To my knowledge she is, yes.

Q Last time you saw her she was breathing. Did she appear to be hail and hearty?

A I haven't seen her since she retired.

Q She wasn't smoking, was she? If she is, she's probably been stricken.

A I don't know.

Q When's the last time you saw Ms. Duffin?

A I think she retired maybe four years ago, five years ago. I'm really not sure. About that time period.

Q When's the last time, to your knowledge, that a publication having to do with tobacco and health issues

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has been prepared or been prepared first by The Tobacco Institute?

A I think the document that you have here, the cigarette controversy --

Q I believe that's 1984.

A To the best of my recollection, that would be the last publication.

Q Is there some reason why you don't address those issues any more? Surrender?

A I would say that we don't address them any more because the knowledge is so universal, everyone knows that there's really not much need to continue to produce documents like that.

Q Do you personally question the database, the data for the Surgeon General's reports?

MR. CRIST: Object to the form of the question.

MR. HEPLER: Join in the objection.

BY MR. COOK:

Q Do you object too?

A I've not personally read the Surgeon General's reports, so I'm not knowledgeable to comment on the database. I have no reason to question that.

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Q. You have no reason to -- I mean the Surgeon General's reports are a document published by the United States government. I assume that most of the documents, unless you have a specific reason to disagree with them, is that you think the government does them, they're probably true, don't you?

A As I said, I haven't specifically read the Surgeon General's reports. I have no reason to question anything that's in there, no.

Q With respect to public affairs and your background in writing, do you keep records or have a library of the documents that have been created and distributed by The Tobacco Institute?

A I'm not sure really what you mean by "library." We --

Q A library simply means to me a place where you would collect documents or books and things like that?

A There is no, to my knowledge, one place in The Tobacco Institute where all publications would be held.

Q For example, Dawson Deposition Exhibit Number 1, which is lying between us at this time, would there be copies of that or a copy of that available at The Tobacco

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Institute?

A That publication is no longer distributed. I can't tell you for certain that there would be a copy available at the institute. I would guess there probably is just for record keeping purposes.

Q Was that kind of -- some kind of slick thing?

MR. HEPLER: By "slick thing," you mean like the paper?

BY MR. COOK:

Q Printed or was it just merely a letter like in the form that it is right now, which is a Xeroxed copy?

MR. HEPLER: What he wants you to do is describe what it looked like, other than being Xeroxed.

THE WITNESS: Again, my memory is kind of fuzzy on this, but just looking at it, it looks to me like it was a fairly inexpensive job that was mostly done in-house.

BY MR. COOK:

Q Who was that distributed to, Deposition Exhibit Number 1?

A I don't recall the distribution of that. My -- again, my recollection of the type of distribution we

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would have made of a document like that would have simply been internal to tobacco, to the tobacco company, some of the organizations that are kind of like The Tobacco Institute sister organizations overseas. No distribution to the general public, no distribution beyond what we would call internal.

Q What are the names of the overseas sister organizations?

A Well, the organizations vary from country to country. There's not really a kind of a formal relationship. They're trade associations representing the manufacturers in other countries. There's -- I guess in Australia, I think it's called The Tobacco Institute of Australia. I think in England, it's a group called The Tobacco Advisory Council. I think in Hong Kong, it's called The Tobacco Institute. As I said, it varies from country to country. I'm not really familiar with most of them.

Q Do you know, do our cigarette companies sit on those executive committees, too?

A I don't know how any of those groups are organized at all. I can't answer that question.

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MR. COOK: I bet they do. This is a worldwide conspiracy.

(Discussion off the record.)

BY MR. COOK:

Q Have you ever made public appearances on behalf of The Tobacco Institute?

A Could you explain to me what you mean by "public"?

Q It looks to me -- when I look at Ms. Dawson, it looks to me like Ms. Dawson was designed for television. I don't know why I say that, but she's tall enough that of course the cameras can shoot straight at her, I guess. Those types of things?

A No, I have not.

Q Have you made radio responses to a tax on the tobacco industry?

A I have not appeared on radio on behalf of the tobacco industry, no.

Q Do you keep records of the speeches that people make on behalf of The Tobacco Institute?

A I am not aware of any records that are made of any speeches that are given, no.

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Q. Have you ever made a speech on behalf of The Tobacco Institute or a presentation?

MR. HEPLER: By that, you mean a public presentation?

BY MR. COOK:

Q Or even a private.

MR. HEPLER: Just tell her which.

THE WITNESS: I don't believe I've ever made a public presentation on behalf of the institute. I've certainly given speeches to small groups and other trade associations representing the institute.

BY MR. COOK:

Q You might not agree with this the way that I phrase this, but I perceive the tobacco industry as being under attack from antitobacco forces and, of course, rapacious persons such as myself. Do you think that your industry is under attack?

A I certainly think that there are times when we could characterize it as "attack." Days like when 600 protesters from Chicago take over our offices, I think I would define that as "attack," terrorize the staff.

Q Where did that happen, here or Chicago?

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A It happened here.

(Discussion off the record.)

BY MR. COOK:

Q Why did they come from Chicago?

MR. HEPLER: If you know.

THE WITNESS: As near as we could figure out, once they sat down and explained to us what they were doing, this was an organization that makes annual lobbying visits to Washington and every year picks a target, and we happened to be the target that year.

BY MR. COOK:

Q Who is the head of this marvelous organization?

A The organization -- I don't want to get the name wrong.

Q They aren't from Evanston?

A National People's Army -- I'm sorry, National People's Action. I call it "army."

(Discussion off the record.)

BY MR. COOK:

Q When did that happen that these marvelous people came from Chicago to see you? If they would have called me, I would have come too.

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A I think it was two years ago. It might have been three. I know we just observed the anniversary of the visit.

Q Well, also, perceiving yourself under attack, you're aware of the fact that there are people who have not come and sat in on your place of business who are trying to ruin the cigarette industry. They want a smoke-free society by the year 2000.

A Yes.

Q Those people really are not looking after the best interest of The Tobacco Institute, I think, wouldn't you agree? I mean if you can't sell cigarettes, I would assume --

MR. HEPLER: Show my objection. We don't sell anything.

BY MR. COOK:

Q If your member associations, assuming you're not them, don't sell anything, in the year 2000 if they're successful, you'll be out of work, won't you?

MR. CRIST: Object to the form of the question.

THE WITNESS: If, in fact, their goal of a smoke-free society by the year 2000 is achieved, I can't

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guess whether I'd be out of work. I can suspect that that might be a possibility.

BY MR. COOK:

Q There's many a slip between the cup and the lip, isn't there? It's easier said than done. When you started here, were you aware that The Tobacco Institute took issue with the data that was the basis of the Surgeon General's reports?

A I was aware the institute disagreed that, in fact, there had been a causal link established between smoking and disease.

Q And took -- the institute took the cigarette companies' position to the people, didn't they?

A Well, when I started at the institute, 12, 13 years ago, even at that time, and I recall very vividly during my interviews, the folks that I talked to told me that really the institute did not spend a lot of time dealing with this particular issue. 98, 99 percent of the American public believed that it was true and it was simply not something that we were called upon to comment very much.

Q Did they say comment much any more?

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A No, they didn't say "any more."

Q Have you ever smoked?

A No.

Q I assume that you've never dipped snuff?

A I have not.

Q I have.

MR. HEPLER: Bet there's nothing you haven't done.

BY MR. COOK:

Q Did you know or do you know if, during the 1970s and late 1960s, whether or not The Tobacco Institute would attack charitable organizations who were espousing statements to the effect that smoking caused cancer?

A No, I don't know that.

Q Do you know that during that period of time that they would characterize the epidemiological data that was the basis of the Surgeon General's reports as invented statistics?

MR. CRIST: Object to the form of the question.

MR. HEPLER: Join in the objection.

THE WITNESS: Again, I don't know what you're referring to.

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BY MR. COOK:

Q Has anyone at The Tobacco Institute ever suggested to you that the data that supports the relationship between cigarette smoking and cancer is invented?

A No.

Q If I told you data was invented, what would that mean to you? It would mean it was false, wouldn't it?

A That would suggest to me that it was made up.

Q If I suggested to you that the efforts of the American Cancer Society to encourage people not to smoke was nothing more than propaganda, what would that suggest to you?

MR. CRIST: Object to the form of the question.

MR. HEPLER: Join in the objection.

THE WITNESS: The institute --to the extent that the institute doesn't encourage anybody to start smoking or discourage anyone from quitting smoking, I wouldn't have any disagreement with an American Cancer Society's desire to help people to quit smoking if they want to. Now, some of the ways that they go about doing that I could certainly characterize as propaganda. I can see

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where that would come from, yes.

BY MR. COOK:

Q Don't you think that during the '70s and even in the early '80s when you were here that the purpose of the Tobacco Institute was to deflect or deflate criticism of smoking?

A No, I don't think that's a proper statement. I would say that the objective of the institute was to represent the member companies and to make that point of view known when we were called upon.

Q Isn't one of the purposes to answer all attacks on the tobacco industry?

A I think the purpose, one of the purposes is to respond and when we feel that we have something to say, to make sure that we say it.

Q Would you agree that all of your responses should be tempered with honesty?

A I would say that we make every effort to make sure that that happens, yes.

Q That's since you've been here?

A Yes.

Q You, of course, couldn't speak from before?

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A No.

Q You have not examined any of the documents that were published in the '60s and the '70s?

A No.

Q I have. I bet you think I have. I have a nice little book of speeches by Mr. Kornegay that I might just show you just for the heck of it.

Let's talk about if you had any role with respect to the effects of secondary or environmental smoke and the controversy involving that in the 1980s?

A Yes, I had some role in that.

Q Now, what do you think, do you think that environmental smoking can cause physical harm to other people, to people who don't smoke?

A Would you mind explaining what you mean by "physical harm"?

Q Cause them to get cancer, emphysema, heart disease, bad teeth, toe jam, whatever it produces. Toe jam, that's a midwestern colloquialism.

A I'm not a scientist.

Q I knew you weren't.

A I have to confess that I haven't read all of the

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studies, but I would say that I have no reason to believe, ~~given~~ the current database that's out there, that there's sufficient evidence to conclude that environmental tobacco smoke can cause lung cancer in nonsmokers.

Q Let me check that with you real carefully. You're not a scientist?

A That's right.

Q You've not read the data?

A I said I haven't read all of the data.

Q Have you read any of the data?

A Yes, I have.

Q What data have you read, ma'am?

A I have reviewed, specifically, I've read, and this was a while back, the Hirayama study, Trichopoulos study. I have read Lawrence Garfinkle's early work on this issue.

MR. HEPLER: He also has a cartoon.

MR. COOK: That's Bullwinkle, Garfinkle.

THE WITNESS: Those are the names that I can recall.

BY MR. COOK:

Q Are their conclusions negative or positive with

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respect to the health risk posed by environmental smoke?

A Hirayama and Trichopoulos have suggested that there's a positive association. Their data has been severely criticized by the scientific community.

Garfinkle has suggested that there is not sufficient data at the moment to conclude that based upon the science.

Q And so based on that, do you go forth with your sword and your mace and take the people who say that this does cause a health hazard on?

MR. HEPLER: Show my objection to the form of the question including those descriptive words. If you want to ask her what position she takes, that's proper.

BY MR. COOK:

Q Maybe I should have said your sword and scepter?

MR. HEPLER: Even with the sword and scepter. Strike those descriptive words out and give her a question. I'd like you to do that.

THE WITNESS: Do I personally go forward, no, I don't.

BY MR. COOK:

Q Do you meet and discuss how you should meet

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these challenges and criticisms?

A I have attended occasional meetings on how the institute can best respond to claims about environmental tobacco smoke, yes.

Q Let's talk about the problem of the environmental tobacco smoke. What are the proposals that have been around from the antitobacco forces that you're aware of? If you're not aware of them, don't tell me about them.

MR. CRIST: I object to the form of the question. I think I know what you want to ask, Bruce, but you didn't ask it.

THE WITNESS: I'd like you to be a little more specific.

BY MR. COOK:

Q What I want to know is what the antitobacco forces, what proposals have they made with respect to environmental smoke that you have any knowledge about? For example, have they proposed that cigarette smoking be banned on airplanes?

A Yes, they have proposed that.

Q Now -- and The Tobacco Institute opposed that?

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A The Tobacco Institute opposed that effort, yes.

Q And the antismoking lobby won?

A Smoking was banned on airplanes. Congress voted to do that, yes.

Q What other things have they proposed with respect to environmental smoke?

MR. HEPLER: By "they," he means the anti --

BY MR. COOK:

Q They, the antitobacco?

A I think that to suggest that a lot of the proposals including the one to ban smoking on airlines was related to environmental tobacco smoke is maybe a bit wrong. There have been proposals to restrict smoking in public places dating back to the '60s and most of it has been based --

Q Annoyance?

A Proposals are less because of any health claims than because people are annoyed, people simply don't like it or because it advances the goal of a smoke-free society.

Q What things have they proposed that you're aware of that do relate to environmental smoke? Warnings? Have

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they proposed any warnings?

A I'm not aware of specific warnings on environmental tobacco smoke, but other than the current warning that says tobacco smoke contains carbon monoxide, that certainly applies to environmental tobacco smoke as well.

Q What is the difference between carbon monoxide and carbon dioxide?

A Going back to my high school science, one molecule of oxygen. Beyond that, I can't answer the question.

Q The reason I'm trying to find out -- because I'm trying to find out for the life of me --

MR. COOK: Do you have your cigarette pack? May we borrow it again?

MR. CRIST: This is a different one.

MR. COOK: We'll use this one too. You have a different pack every day.

(Discussion off the record.)

BY MR. COOK:

Q There was a warning that we saw yesterday that says "Warning: Cigarette smoke may contain," or "contains

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carbon monoxide," something of that nature. Have you seen that warning?

A Yes.

Q Can you quote it in haec verba? That's h-a-e-c v-e-r-b-a.

A I believe it says "Surgeon General's warning, cigarette smoke contains carbon monoxide."

Q To you as a person who's not had any chemistry since high school but knows the difference between CO and CO_2, what does a warning that cigarettes contain carbon monoxide impart?

A It suggests to me that carbon monoxide is something that's not good for you. It's something that's bad.

Q Is that your general understanding, that carbon monoxide is something that's not good for you?

A Again, going back to my high school science, yes, my high school science and the fact that bad furnaces emit carbon monoxide, yes.

Q I bet you know what carboxyhemoglobin is?

A I've seen the term.

Q What about carbon dioxide, is that something you

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perceive as being good or bad?

A I have to tell you honestly, I've never really thought about it.

Q If you think it's bad, you and I immediately are going to go to the Amazon and cut down all those trees that they're putting up.

(Discussion off the record.)

(Recess.)

BY MR. COOK:

Q We were engaged in a very interesting conversation on environmental smoke as you'll recall. I was asking what kinds of things the antismoke forces have proposed and you said to no specific warnings addressed to that issue. What other things have they proposed other than banning smoking in public and private places and things of that nature?

A Well, first of all, I don't think I said that no specific proposals have addressed environmental tobacco smoke. For the most part, it hasn't.

Q I said warnings?

A Warnings, okay. Then could you repeat the question.

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Q What proposals have been made by the antismoking forces on the issue?

MR. HEPLER: On warnings or --

BY MR. COOK:

Q No, on environmental smoke.

MR. HEPLER: Broad, generic question.

BY MR. COOK:

Q I understand this is a red hot issue today. Is it a red hot issue or is it not a red hot issue?

A It's certainly an issue that we take very seriously, yes and there's a lot of activity on it.

Q A lot of state activity?

A There is activity in the states. There is activity at the local level. There's activity at the federal level.

Q On the state level, what do you do?

A On the state level, I don't have any responsibility for any of the state activities work.

Q That was a generic to TI?

A Okay. Well, The Tobacco Institute certainly has interest in antismoking proposals that are in the states and if and when there is a measure that we want to, feel

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we need to make ourselves, make our opinion known, we do so.

Q How?

A Again, that's not the division that I work in. The institute has a state activities division that includes offices in the field as well as contract lobbyists, I think, in all of the states.

Q All states would include Illinois?

A I think so, yes.

Q Have you ever been in Chicago?

A I've been in Chicago twice in my life.

Q How did you find it?

MR. HEPLER: By a map.

(Laughter.)

THE WITNESS: I thought it was a nice city. I liked it.

BY MR. COOK:

Q Where did you eat?

(Discussion off the record.)

BY MR. COOK:

Q Do you fly airplanes?

MR. HEPLER: In them or on them?

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THE WITNESS: I'm not a pilot, no.

BY MR. COOK:

Q You're not. You look Amelia-type.

What other things have you done with -- let me get back here just a little bit.

Do you direct -- if Time magazine calls the Tobacco Institute and they want a statement on Joe Camel or something like that, would you reply or would you direct somebody to reply or would somebody direct you to reply? Would you accept the call?

A Well, if Time magazine were to call for a statement on Joe Camel, we'd refer the call to R. J. Reynolds because The institute doesn't comment on specific brands or the marketing practices of the companies.

Q What if they -- there was some new data that was published by somebody that established that some antitobacco force had made some statement about cigarette smoking caused people's hair to fall out. Would you respond to something like that?

MR. CRIST: I object to the form.

BY MR. COOK:

Q If ABC wants somebody to go on television to

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respond to a charge by the American Cancer Society that cigarette smoking should be banned on all buses. It may be banned on all buses, I don't know. Would you respond to that type of thing?

A No, I would not personally respond to it.

Q Who would?

A Brennan Dawson would respond or any of the other spokesmen who work for Brennan.

Q Who are the spokesman, Walker Merryman?

A Walker Merryman and Tom Louria also represent the institute before the media.

Q Do they clear what they say with anybody before they respond or --

A No, they don't as a general rule clear what they say with anyone.

Q Ms. Dawson told me the day before yesterday that they do keep some videos of TI participation in news programs. Are you aware of that? This is the library question again.

A I don't know what videos, if any, Brennan's shop might keep.

Q You don't keep any?

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A No, I don't keep any.

Q Do you keep personal files on all of the writings that you have done?

A No, I don't.

Q Do you have files?

A Yes, I have files.

Q Do you have a file on smoking and health?

A No, I don't.

Q Do you have a file on environmental cigarette smoking where you keep those studies that you referred to or something like that?

A Do I have in my personal files a file on environmental tobacco smoke, no, I don't.

Q What do you keep in your personal files, personal things?

A I keep -- I generally keep files of whatever material I need to do my job right now.

Q I don't know what you do. What do you do?

A My job right now consists of a lot of administrative duties. My job consists of acting as -- I supervise 16 people.

Q What do they do?

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A We discuss the media relations group, Brennan Dawson's group. There are other public affairs people who are responsible for keeping current on the issues that are of concern to the industry. There is -- we've discussed --

Q Is there a person who is dedicated to cigarette smoking and health?

A There is no one who is responsible for keeping current on smoking and health issues, no.

Q Do you work with tax issues also?

A Yes, I do.

Q Would tax issues take up a majority of your group's time or would, as opposed to smoking and health?

A I would say smoking and health issues take up none, virtually none of my group's time. Tax issues certainly take up a good part of the group's time, yes.

Q Do you think that some of the antismoking forces are trying to tax the cigarette industry out of business?

A I think some of them have certainly said that, yes.

Q I saw an interesting thing on television last night and it said that the profits of the tobacco companies have risen from three times per thousand

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cigarettes in the last 10 years. Have you seen something like that?

A No, I haven't.

Q Do you view the tobacco companies as a cash cow? I've heard them called that.

MR. CRIST: Object to the form.

MR. HEPLER: Object to the form of the question.

BY MR. COOK:

Q Have you ever heard them called that?

A I have heard them called that, yes.

Q Who calls them that other than me and -- other than me?

A I can't recall where I've heard it.

Q You read it in "Barbarians at the Gate"?

A Possibly.

Q That's where it came from. Did you read "Barbarians at the Gate"?

A Yes, I did.

Q Do you deal with the issues involving -- some people suggest -- this is a new question.

Some people suggest that the advertising of the cigarette companies encourages people to smoke or

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advertising -- are you aware that some people do suggest that?

A Yes, I'm aware of that claim.

Q I understand it's the industry's response is that the purpose of advertising is not for that but rather to encourage brand loyalty or to increase their market share from a competitive point of view with each other. Is that what you understand the cigarette advertising is for?

A It's not only the cigarette industry that suggests that. The Surgeon General himself in his reports has suggested that advertising in fact doesn't -- is not a key component in smoking initiation but in fact it's -- or that it can't -- he has no way of measuring whether in fact it plays any role.

Q Do you remember John Wayne?

A Yes.

Q Did you like John?

A I can't say that I watched a lot of his movies.

Q Some kind of a right winger I always thought. Do you know what he died from?

A I believe he died from cancer.

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Q I believe he did too. Do you remember, are you old enough to remember when poor old John had his lung removed? He survived a long time after that. You don't remember that he made a couple movies after that.

(Discussion off the record.)

BY MR. COOK:

Q Are you old enough to remember when Reynolds cigarettes advertised the T-zone?

A No.

Q How round cigarettes were better for your throat than --

MR. HEPLER: Than what?

MR. COOK: I'll show it to you sometime.

Would you mark this Stuntz Exhibit Number 1, please.

(Stuntz Exhibit 1 identified.)

BY MR. COOK:

Q Ms. Stuntz, I've handed you Stuntz Exhibit Number 1. It shall forever be made famous with your name. Would you like to look at that. You may if you like. Have you seen it before?

A I may have seen it at some point but I've not

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read it.

Q Take a look at it. It appears to be a document that was published by the Tobacco Institute, doesn't it?

A Yes, it does.

Q What does the statement on the front imply to you?

A Well, the first thing that -- well, the first thing that the front suggests to me that it was done long before my time because it's the --

Q It was done long before your time?

A Definitely because 1735 K Street as a Tobacco Institute address is not an address that the institute ever had during my tenure there. So beyond that, I can't tell you much.

Q Why don't you just read into the record what it says on the cover since these gentlemen can't see -- the bold.

A The bold?

Q The bold.

A "How the most frightening statistics about smoking came to be invented."

Q You don't know what statistics they're talking

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about?

A No, I don't.

Q But from our previous discussion, that statement would indicate to you whatever that cover is talking about, it's suggesting that the statistics were made up, isn't that true?

A No, I don't think it suggests that. There are certainly numbers, statistics that -- no, I don't think that suggests that at all.

Q I thought you told me earlier when I asked you about statistics being invented that that would imply to you that they were made up. You don't think you said that?

A I did say that.

Q Would you like to -- are you recanting or are you, just since you saw that the Tobacco Institute has said that, that you don't want to say it any more?

A No. I think to the -- my understanding of your last question, maybe I should ask you to repeat your last question was suggesting that I believed that statistics about smoking have been invented and I don't believe that that's not the case. There are certainly instances where

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statistics and claims have no basis in fact.

Q I think that's true also. And --

A And I think --

Q You haven't looked at the interior of that document?

A No.

Q As a matter of just intellectual exercise and testing your ability to predict what or may not -- what do you think the statistics that are contained in Stuntz Exhibit Number 2, what statistics they're talking about --

MR. HEPLER: Stuntz 1.

BY MR. COOK:

Q Can you make a judgment just by looking at the cover?

MR. CRIST: Object to the form of the question.

BY MR. COOK:

Q You don't?

A I have absolutely no idea. No, as I said before, this was before -- definitely before I came to the institute.

Q You think it's about environmental smoke?

A I don't know.

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Q Why don't you read the first paragraph on the second page, the first two paragraphs on the second page?

MR. HEPLER: They're not numbered so you mean the second page in this attachment? There's no page 2 per se.

MR. COOK: It's the way it was given to me.

BY MR. COOK:

Q Can you tell now what statistics they're referring to?

A No.

Q Read the next two paragraphs. Tell me when you've read, when you can tell what statistics they're referring to. I haven't read it.

A I guess I can tell you I can guess what statistics they're referring to but again, this is before my time at the institute so it's difficult --

Q Why don't you tell me what your guess is.

A My guess from reading this is that the reference is made to the number of people who are claimed, who die each year from diseases that are attributed to cigarette smoking.

Q And that would have come out of the first

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Surgeon General's report in your recollection or do you know that?

A I don't know.

Q When is the first time to your knowledge that statistical -- let me ask you this. I'll ask you something else.

Do you live in [DELETED]

A Yes.

Q What does "epidemiological" mean to a person who lives in [DELETED]

MR. CRIST: Object to the form of the question.

MR. COOK: I don't mind, Paul.

THE WITNESS: I don't know what it means to a person -- what it means to a person who lives in [DELETED]

BY MR. COOK:

Q What does it mean to you then?

A What it means to me, again as a nonscientist, is the study of all of the various factors that might contribute to either the occurrence of a disease or a nonoccurrence of a disease.

Q It's a term that you're familiar with?

A It's a term that I'm generally familiar with,

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yes.

Q Is it a word you use in your writings and in your every day relationship with fellow Virginians?

A No, definitely not.

Q Do you use it at all?

A I may use it occasionally but very rarely.

Q What are the first studies that you have any information about that suggest that there was a statistical relationship or any other type of relationship between cigarette smoke and cancer?

A Well, again, I guess I'm going to have to say that I have not -- it's not something that I or the people who work with me at the institute do, so there really aren't any studies that I could pin down that I could tell you I'm aware of.

Q You're not aware of the Reader's Digest publication in 1954 that suggests that cigarette smoking was, caused lung cancer?

MR. CRIST: Object to the form of the question.

THE WITNESS: Yes.

BY MR. COOK:

Q You are aware of it?

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A I am aware of it.

Q Reader's Digest, is that a reference work that you use frequently?

A I'm aware of it because I worked at Reader's Digest.

Q Did you really?

A Yes.

Q Well, I'll be darned. What do you think about Reader's Digest?

A I think generally that during the time I was there and this was as a summer intern, they were a very conservative publication, have at least from my time there have always refused to accept cigarette ads and have been very clear in their beliefs about cigarettes.

Q Did they refuse to accept them or did the cigarette companies refuse to advertise with them or do you know?

A I don't know for sure. I recall from my time at Reader's Digest that they indicated that they refused to accept them.

Q I used to really enjoy the word thing in Reader's Digest. Did you ever do the word thing?

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A No. I never worked on it.

Q I always thought it was a lot of fun. What year did you work for Reader's Digest?

A I worked there in their Washington office in the summers of 1971 and '72.

Q Did you read the article that was published in 1954 about cigarette smoking?

A I think I might have glanced at it at one point.

Q You don't happen to have a copy of it?

A No.

Q You refer to it daily or sleep on it?

A I think I can honestly say that since I left Reader's Digest, I've very rarely read the magazine or seen it.

Q Do you think that 87 percent of the people who have lung cancer that that's caused by cigarette smoke?

A I don't know. I don't have any basis on which to answer that.

Q Do you have any idea how many people die annually from lung cancer?

A No, I don't.

Q Do you have any basis to disagree with the

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whatever the numbers that are included in the Surgeon General's reports would be? I mean has someone ever told you that they're wrong or suggested to you that they're inaccurate or perhaps even that they're invented?

MR. CRIST: Object to the form of the question.

MR. HEPLER: Show my objection to the form also.

BY MR. COOK:

Q This isn't very nice, is it? Actually it's kind of nice for me but --

A As I think I said earlier --

MR. HEPLER: I don't know if there's a question, but go ahead.

BY MR. COOK:

Q We're just here to have fun. Has anyone ever suggested to you that the data that one might find in the Surgeon General's reports is inaccurate?

A As I think I said earlier, I have no reason to disagree with the data that's in the Surgeon General's report.

Q Right. I recall that you said that. And now I'm asking you a different question. Has anyone ever suggested to you, that would include a broad range of

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fellow employees, all of the citizens of Virginia and some of the citizens of Columbia and Missouri. Did you ever go into Harpo's when you were in Columbia?

A Yes, I did.

Q Excellent saloon. I collect them.

Do you recall the question, other than did you ever go into Harpo's?

A No. Ask it again, please.

Q The question was has anyone ever suggested to you in conversations or have you read things that are critical of the information in the Surgeon General's reports?

A Well, critical of the information, certainly I have -- there have been discussions about concerns that some of the conclusions in the Surgeon General's report might not be backed up by certain data, but there I would say that those discussions would be related more toward more recent Surgeon General's reports. I don't think I've ever had a discussion with anyone about conclusions on Surgeon General's reports relating to smoking and health, no.

Q Do any of your member groups since you've been

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here, have they made smokeless tobacco like snuff and things like that?

A I don't know whether they do or not.

Q Were you involved at all in the campaign about getting rid of smokeless tobacco? There was a 60 Minutes study on it where they showed kids that played baseball and stuff that stuff in there would lose their jaws and things like that. Do you recall that?

MR. CRIST: Object to the form of the question.

THE WITNESS: I recall the 60 Minutes piece, yes.

BY MR. COOK:

Q Did TI take part in that 60 Minutes piece?

A Not to my knowledge, but I have no basis to know.

Q Have you ever worked on, as a public affairs person, any issues involving smokeless tobacco?

A No.

Q I believe the regulations with respect to that would have been during your term at TI?

A I have not worked on any regulations with regards to smokeless tobacco.

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Q I understand that, since you were 13 to now, that the smoking rate among adults has decreased from 40 percent in 1965. I'm reading the Surgeon General's report, page 11. Deposition Simmons Exhibit Number 1. 25 years progress, 1989. The prevalence among adults digressed from 40 percent in 1965 to -- that's when you would have been 13, right?

A Yes.

Q To 29 percent in 1987. Does that seem to be a reasonable figure to you?

A I honestly don't know.

Q You don't have any reason to criticize?

A No.

Q You do know that fewer people smoke now than when you were young?

A Again, I don't have any reason to disagree with it. I don't know.

Q Do your parents smoke?

A My mother did. My father smoked. My mother smoked cigarettes. My father smoked a pipe and cigars.

Q Are they both alive?

A My father is. My mother is not.

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Q. My I ask, without being too invasive on your privacy, what your mother died from?

A She died of breast cancer and at the time she died what kept her alive for a year after were clear lungs and a strong heart.

Q I'm sorry I asked. Not because your answer disappointed me, but I'm sorry that your mother has died.

. Has anybody ever -- assuming that the smoking rate of adults has gone down to 29 percent from 40 percent in 1965, would it be reasonable in your mind that the reason this happened is because of the Surgeon General's reports and the warnings that were required to be placed on cigarettes?

A I think certainly the fact that there's been not only the Surgeon General's reports and the warning labels but just almost universal coverage of the various claims that are made have certainly contributed to any drop.

Q Do you have argument with those claims that are made by the American Cancer Society and American Lung Association and all those types of folks?

MR. HEPLER: Which claims?

BY MR. COOK:

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Q The claims that cancer, lung cancer is caused by cigarette smoking, do you argue with them?

A Do I personally argue with them?

Q Yes.

A Well, I guess I would agree that there's certainly reason to consider smoking a risk factor.

Q Are you skeptical of their claims?

MR. HEPLER: The claim that causes or the claim that it's an increased risk?

MR. COOK: I don't think that they say it's an increased risk. I don't really know that they say that.

BY MR. COOK:

Q I think that they very clearly say that cigarette smoking causes lung cancer, don't they?

A I guess I would have to say yes, I'm skeptical on that claim. Basing that skepticism in part that my mother smoked and never got lung cancer.

Q I don't think that suggest that everybody that smokes is going to get lung cancer. I think what they say is that 87 percent of the people who do get lung cancer that is caused by cigarette smoking?

MR. HEPLER: Show my objection. I don't think

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that's what they say, but whatever the evidence is, it is.

BY MR. COOK:

Q Do you agree with the statement that smoking is responsible for more than one of every six deaths in the United States? Smoking remains the single most important preventable cause of death in our society. Do you agree with that?

A I don't have any basis to agree or disagree with it.

Q If it's the truth, it's a hell of a thing, isn't it?

MR. HEPLER: Show my objection to the form of the question. Calls for speculation and conclusion. She doesn't have to answer that question.

MR. COOK: Certify the question, please, Ms. Reporter.

BY MR. COOK:

Q If it is the truth, I'll ask you one more and take out the bad word. If it is true, that's a matter that you and I should be concerned about, isn't it?

MR. HEPLER: Again, show my objection to the form of the question. Whether or not you and her should

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be concerned is really not in any way material or relevant or anything else. It's improper within discovery matters.

MR. COOK: Are you instructing her not to answer?

MR. HEPLER: She may answer if she knows.

THE WITNESS: I don't think I can answer the question.

BY MR. COOK:

Q Let me ask you this. If one out of every six deaths in the United States is caused by smoking, is that a matter of concern to you since you work for the tobacco industry? You seem like a nice lady.

A Whether or not I work for the tobacco industry, it would -- I would think that it would be a matter that certainly -- that to the extent that this is an issue, whatever the claim is is something that's, as I said before, virtually everyone is universally aware of the claims. If the individuals who, having read the information, still choose to smoke, at that point I think that my position personally would be that it's their business.

Q What about the fact that 3000 teenagers start

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smoking each day in this country? That's in this book too. More than 1 million a year. Is that a matter of concern to you?

A I don't know that that's the number, but the fact that any teenager smokes is of concern.

Q What are you doing about it, anything?

MR. HEPLER: You?

THE WITNESS: Personally or the Tobacco Institute? Me personally?

BY MR. COOK:

Q Yes.

A Well, I am going to take you back to my role at The Tobacco Institute because I personally don't have many relationships with children -- with teenagers under the age of 18. The tobacco industry has, for long before I came there, supported a variety of projects that are intended to discourage you smoking. During my tenure, we developed, back in the early '80s, materials to help parents and teachers work with their kids to resist peer pressure. Subsequently within the last several years, my division developed a series of expanded youth programs that include brochures, again for parents and teachers

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working with educators, public service announcement ads on television, including materials to help retailers observe the minimum age laws that each state now requires. We've supported legislation that would increase the minimum age.

Q What do you think, assuming for the moment that the Tobacco Institute, during the late 1960s and early 1970s, attacked the Surgeon General's reports and the warnings that were required to be placed on cigarettes, what do you think about that as a practice by the Tobacco Institute? Do you think that that was acceptable that they would do that?

MR. CRIST: Object to the form of the question.

MR. HEPLER: Show my objection also.

BY MR. COOK:

Q I'm just suggesting to you that they did.

A Before my time, I don't know that they did and I don't know what the context was.

Q Would you approve of that now?

A Again, I'd have to know what the context is.

Q For example, the party line with tobacco people is that the cause that cigarette smoking and its relationship to cancer or its cause of cancer has never

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been scientifically proved. That's the party line, isn't it?

MR. HEPLER: Show my objection to the use of the words "party line." You can ask her if that's a position the industry takes, but "party line" is objectable.

BY MR. COOK:

Q Is "party line" objectable to you? I'll use another phrase. It just means is that what you folks do?

A The position of the tobacco industry is that there's a statistical link between smoking and cancer, that smoking is a risk factor but that the mechanism by which that occurs hasn't been identified yet.

Q So the tobacco industry's position is not that no one has proved that cigarette smoking causes cancer. It's that the mechanism for the cause of the cancer has not been shown, to your understanding?

A The biological link has not been established. The mechanism has not been established, yes.

Q May the record show that you're shaking your head yes?

A I said yes.

Q You did say yes? I didn't hear that. But there

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really isn't much question in your mind that these data, these statistical data establish the relationship. They just don't establish the mechanism?

A Again, I have no reason to question the data, but I'm not familiar with it.

Q You wouldn't approve of The Tobacco Institute or any of its functionaries going out and saying that the relationship between or the cause and effect relationship between cigarette smoking and tobacco -- and cancer, lung cancer specifically has not been proven. You wouldn't approve of that?

MR. CRIST: Object.

MR. HEPLER: Show my objection that that's what she testified to.

MR. COOK: This is a different question. I was asking her if she would approve of that.

BY MR. COOK:

Q Let me make it even more specific. Let's say that Walker -- do you know Walker?

A I know Walker.

Q Charming gentleman?

A Walker is a very nice gentleman, yes.

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Q He speaks publicly for TI. And I assume that people who speak publicly probably are nice people. Suppose he came to you and said, you know, vice president Stuntz? Is he a vice president too?

A Yes.

Q I have never seen an industry that has so many goddamn vice presidents as this tobacco industry.

(Discussion off the record.)

BY MR. COOK:

Q So Mr. Merryman comes to you -- he might call you vice president Susan and said VP, I want to put out a statement saying The Tobacco Institute questions the relationship between cigarette smoking and cancer. Would you approve of that?

MR. CRIST: Object to the form.

MR. HEPLER: Show my objection also.

THE WITNESS: I think the first thing I'd ask him is what has prompted him to decide that it's appropriate for him to do so. As I said the institute devotes very little of its time to smoke and health issues. Usually what little time there is is simply in response to a question that one of the spokesmen might get

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from the media. Beyond that we don't do it.

BY MR. COOK:

Q And Walker would say to you, he would say Jim Johnston has asked me to do that. Do you know Jim?

A I've met him, yes.

Q Nice man. University of Illinois. Fighting Illini. And he said to you, Jim Johnston, that's Jim's position and he's asked us to make that statement. What would you do?

MR. CRIST: Object to the form.

THE WITNESS: If Walker were to say that to me, I think I'd very much doubt that it occurred.

BY MR. COOK:

Q So you'd check up with Mr. Johnston, probably?

A I think what I would do is take the issue to Sam Chilcote.

Q And Sam said yep, that's what Jim wants and that's what we're going to do. Then it would be done. Probably you might lose your job if you disagreed. I understand we're not going to involve you in this any more?

MR. HEPLER: Object.

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BY MR. COOK:

Q Let's say Sam does that. I'm not going to make you fight with your boss.

A I think it's highly unlikely that any of this would occur.

Q It has occurred.

A In my tenure in the institute --

Q In the past it has and so that's why I'm asking about it. Would you agree that if the Tobacco Institute took that position and took out ads on television all over the country and published that and passed it out to people, that it would have the effect of reducing the impact of the warnings on the cigarette packages?

MR. HEPLER: Two-part position -- I'm back -- and where are your positions.

BY MR. COOK:

Q The United States Congress requires the tobacco industry to make warnings with respect to cigarette packages or cigarettes; isn't that right?

A Yes.

Q And the purpose of that was, as I understand it, was to inform people that they're exposed to a health risk

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if they smoke. Would you agree that that's probably the purpose?

A Yes.

Q And if the industry comes out and attacks the warnings that they make, that Congress has required them to make, you wouldn't approve of that, would you?

MR. CRIST: Object to the form of the question.

THE WITNESS: I guess I would ask you to go back and I think I heard one question first and now a second question now. I'd like to know which question I'm answering.

BY MR. COOK:

Q Pick one.

A It is inconceivable to me that --

MR. HEPLER: Wait a minute. What are you answering? If you're picking one, I don't even know what you're answering. Don't volunteer. I can't remember that there were two. So do you want to read it back or whatever you want so we get on the same page here or rephrase it or whatever.

MR. COOK: Here. Would you mark this as Stuntz 4.

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(Stuntz Exhibits 2 through 4 identified.)

(Recess.)

BY MR. COOK:

Q Looking at Plaintiff's Exhibit Number 4, you have been with the Tobacco Institute long enough to be aware of the fact that, at least in the past, The Tobacco Institute used to publish a newsletter; is that true?

MR. HEPLER: "Tobacco and Health Research," this is called.

THE WITNESS: I know the institute published a newsletter. This is not the newsletter that I'm aware of.

BY MR. COOK:

Q You're aware of the other one. This is apparently marked -- a copy that's marked 3, "The Tobacco Observer"?

A Yes.

Q Can you see by looking at 4 that it apparently is a publication of the Tobacco Institute?

A No, I don't see that anywhere.

Q I'm sorry. Apparently it's a publication of the Tobacco Institute. But you weren't aware of that?

A I've never seen this before, no.

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Q The reason that I've shown you -- if you don't mind me standing close to you just for a second.

(Discussion off the record.)

BY MR. COOK:

Q Looking at number 4, apparently dated July and August of 1963, you'll see that that predates the required warnings on cigarette packages. You can see that, can't you?

A I believe so but I don't --

Q Of course it's a publication apparently made by The Tobacco Institute which suggests at least one lung specialist cited 28 reasons for doubting cigarette-cancer link. It says that, doesn't it?

A That's what the headline says, yes.

Q You don't publish a newsletter like that any more and you don't publish anything that suggests there's no relationship between cancer and cigarettes any longer, do you? If you published that before, of course.

MR. CRIST: Object to the form.

THE WITNESS: The institute does not now publish any publications on smoking and health issues.

BY MR. COOK:

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Q Let me ask you a question. Just looking at that headline, other than the specialist, do you doubt the cigarette-cancer link personally?

MR. HEPLER: From reading this article?

MR. COOK: No.

BY MR. COOK:

Q This is just a question. I'm just taking this out and saying Susan Stuntz doubts the cigarette-cancer link; is that correct? That's not correct, is it?

A Again, I guess what I said was I accept the fact that there's a statistical relationship and that there's a risk.

Q What I want you to do though, if you might, is just humor me, an old man -- for Christ's sake, I've got a tatoo. This is very hard for me. Do you doubt the cigarette-cancer link? I don't want to know your reasons for doubting it or your reasons for not doubting it or whatever. I just want to know if you doubt it.

A Do I, not a scientist, doubt that there's a link between smoking and cancer? I don't doubt that it's a risk factor.

Q You, of course, in 1963, were 11 when this was --

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when is your birthday?

A I would have been 10 when that was published.

Q You would have been 10. When is your birthday?

A My birthday is in December.

Q What day in December?

A 25th.

Q Why wouldn't they have named you Holly or Noel or --

(Discussion off the record.)

BY MR. COOK:

Q What's your middle name, Holly, is it?

A No, my middle name is Moore.

Q Do you know that Noel spelled backwards is Leon? I would have named you Leon.

(Discussion off the record.)

BY MR. COOK:

Q With respect to your former publication, "The Tobacco Observer," which is the one that you're aware of, did you do editorial work on "The Tobacco Observer"?

A Yes, I did.

Q Was that one of the things that you were hired to do?

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A At the time I was hired, I did occasional writing for it.

Q Who was its editor?

A When I was hired, the editor was a gentleman named Paul Knopick, K-n-o-p-i-c-k.

Q Strange name. Is Mr. Knopick still with TI?

A No.

Q Did you ever become editor of "The Tobacco Observer"?

A Yes.

Q Did you really?

A Yes.

Q How many years did you edit the august document?

A I think I was the editor for maybe two years, three years. No more than three.

Q Do you keep copies of the ones that you edited?

A No, I don't.

Q Does The Tobacco Institute keep copies of its, for want of a better term, periodical publications?

A Again, I think probably there are somewhere, I couldn't tell you right now where.

Q I find that rather strange, that you wouldn't

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keep copies of these publications. Is it just a matter of housekeeping or, why don't you keep these things?

A Me personally?

Q No, the institute.

A The institute? As I said, I think the institute does keep them. I just couldn't tell you where they are. We haven't published this publication for about five years.

Q Why did you stop, do you know?

A We stopped in -- we generally had cut back on the circulation, the publication really only went to folks, again, who had written and asked to receive it, people within the tobacco companies and we simply found other ways, less expensive ways of communicating our positions when we felt we needed to.

Q Who made the decision, executive committee?

A I believe that it was a recommendation that I made to my boss who, at the time, was Bill Kloepfer and how it went from there, I couldn't tell you.

Q Who did you mail these things to?

A Again, they were mailed to -- it was mailed free of charge to anyone who requested it.

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Q Did you --

A I didn't have anything to do with the circulation list. So I couldn't give you any specifics.

Q Do you think that you probably have circulation lists?

A I don't know whether we would or not still.

Q Have you given a deposition before?

A No.

Q Do you find it interesting?

A Yes.

Q Do you want to know -- when I ask you the question about why did you stop, do you know what I would do to you with the question if we were in court? I would add one more phrase to it. I would say "guilty conscience." I just want you to know that.

MR. HEPLER: And then we'd have a screaming match.

MR. COOK: This is all contrived. It's all just a tremendous amount of fun.

MR. HEPLER: If you're asking the questions. It's not so much if you've never done one before.

BY MR. COOK:

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Q The exhibit that you have before you, which I'm unable to perceive the number of from here.

MR. HEPLER: 2, Stuntz 2.

BY MR. COOK:

Q Would you have been editor, Ms. Stuntz, when that issue was published?

A I'm not sure. I might have been. You're right in the kind of fuzzy area of my memory.

Q That's the reason I named one. If you're ever looking for a record of them --

MR. HEPLER: RJR would.

MR. COOK: I have all of them.

BY MR. COOK:

Q Do you remember Mr. Horkin?

A I remember him, yes. I don't think I ever met him.

Q You remember him, of course, from "Barbarians at the Gate." He was one of the players who got pushed around.

Don't you get to go to executive board meetings or executive committee meetings?

A The last couple of years I've attended executive

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committee meetings, yes.

Q Who's the chairman now?

A The chairman is Andrew Tisch.

Q Does anyone take minutes at the executive committee meetings?

A I don't know whether they do or not.

Q Not a court reporter present?

A No.

Q They ought to have one, shouldn't they? What do you do when you go there, answer questions if they have them?

A I occasionally answer questions. I attend as a staff person. I occasionally give reports on matters that my division is working on.

Q What about the management committee? Do you go to those meetings too?

A Yes, I do.

Q What do they do? That's a lower level corporate executive committee, is it not?

A The management committee is represented by three individuals from the companies and they --

Q Would you name them for me and their company?

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A Includes Tom Griscom from R. J. Reynolds, Jack Nelson from Philip Morris, and James Cherry from Lorillard.

Q Mr. Griscom is in Winston-Salem, North Carolina I understand?

A Yes.

Q Have you ever been to Winston-Salem?

A Once.

Q It's very nice this time of year. Where is - Mr. Nelson's office?

A I believe Mr. Nelson's office is in New York City.

Q How about Mr. Cherry?

A I believe he's in New York City as well.

Q Do you like New York City?

A Do I personally? Not particularly.

Q How frequently do they meet?

MR. HEPLER: The management?

BY MR. COOK:

Q The management.

A The management committee, they meet monthly.

Q What do they do at their meetings?

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A Again, they hear more regular reports on projects that the institute is working on, discussion of federal and state legislative activities.

Q And do they direct the response or do they just ask for information as to what the response is, if you understand what I mean?

MR. HEPLER: Response to?

BY MR. COOK:

Q To what's going on in the state areas, federal areas, things like that?

A I think the meetings are more information sharing than the latter, than the directing of response. There isn't -- there's more sharing of information than discussing what's going on.

Q Are those meetings usually at the institute?

A Yes.

Q Do you know Mr. Oglesby?

A Yes, I know Mr. Oglesby.

Q Do you know that he was the former deputy chief of staff for Ronald Reagan?

A I think I knew that he had a post in the Reagan White House.

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Q A high level official, leaking level post?

MR. HEPLER: Show my objection. Don't respond to that question.

BY MR. COOK:

Q Did you know that?

MR. HEPLER: Don't respond to it. You can clean it up.

BY MR. COOK:

Q You don't have to have the "leaking" in there.

A I knew he worked to the Reagan White House and I'm going to stop there.

Q Is that unusual or do any of the other members of your executive committee come from high level management positions in the executive government?

A I really don't know their backgrounds. I just don't know.

Q Do you have anything to do with the hiring of your legislative liaison people?

A Can you be more specific?

Q Well, are you familiar with the liberal organization, the Free Congress Foundation? Have you heard of them?

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A I think I've heard of them.

Q Do you know Mr. McAdam?

A Bob McAdam?

Q Was that his front name?

MR. CRIST: And his back name.

MR. COOK: That's true.

BY MR. COOK:

Q Robert, Bob McAdams?

A Without an S.

Q McAdam?

A Yes, I know him.

Q Very English. Did you know that he had worked on Capitol Hill?

A Now that you mention it, I recall the link, yes.

Q Speaking of the link, did you realize that he worked for the infamous Cranes?

MR. HEPLER: Just one.

MR. COOK: So says he.

(Discussion off the record.)

BY MR. COOK:

Q Mr. White, are you aware of the fact that he had been an administrative assistant for a congressman?

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A Again, now that you mention it, I may have known that.

Q See, from my point of view, and I know that you are very curious to see why I ask questions like this, it appears to me that Tobacco Institute tries to hire people who they think will be able to have inside track to government. That's the way it appears to me. You don't have to answer that. Does it appear that way to you also?

MR. CRIST: Object to the form of the question.

MR. HEPLER: Show my objection to the form of the question also. I don't know how she can speculate unless she knows what the hiring practices are.

THE WITNESS: I can speak for myself. I try to hire the best person for the job.

BY MR. COOK:

Q I'm sure you did do. But then you're a gentlewoman from Virginia as opposed to some of these other folks. If you wanted to influence Congress or the economic active, the best person for the job might very well be someone who knows what's going on isn't that true?

MR. HEPLER: Show my objections. Calls for conclusion and speculation on her part.

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BY MR. COOK:

Q That is true?

A I think the Tobacco Institute has -- to the extent that the Tobacco Institute has a story to tell and wants an opportunity to be able to tell it, whether it's in Congress or in the media, certainly we would look for individuals who are able to tell that story.

Q What is the story that the Tobacco Institute has to tell?

A It depends.

Q What is its story that it has to tell about tobacco and health? Is there a story that it has to tell, or has the story been told?

A Again, I guess I'm going to go back to what I've told you before, the Tobacco Institute, at least my role in the Tobacco Institute, there is virtually no discussion of the tobacco and health issue. We may be called upon occasionally to comment, in which case we provide comment. Beyond that we simply don't -- that's not a matter that we deal with from day to day.

Q It would seem, if you looked at Stuntz Exhibit Number 4, there was a period of time, if you look at this,

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where the issue was not, at least in the printed publications of The Tobacco Institute, where it was not so clearly defined?

MR. HEPLER: What was not so clearly defined?

MR. COOK: The relationship between cancer and cigarettes.

BY MR. COOK:

Q It appears to be the case anyway, doesn't it?

MR. CRIST: Object to the form of the question.

THE WITNESS: Again, you're taking it way, way past the time that I was at the institute.

BY MR. COOK:

Q I know. That's why I'm asking you it too.

A I would say to the extent that that point in time or this point in time, if there were claims that were made or issues that were being discussed and the institute felt that it had something to say, that it felt it needed to disagree with some claims that were made, I would expect the institute to have done so.

Q What I'm really trying to find out is by just showing you that document and you of course know what the policy of the institute has been for the last 12 years or

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you know something of it anyway?

MR. HEPLER: Show my objection. I don't know it's been established as to what the policy of the institute is.

BY MR. COOK:

Q What they did from a public affairs point of view. It's apparent there was a period of time where, at least in one instance, that they publish something that questioned the relationship of cigarette smoking and cancer. You no longer do that and so there's been some type of either change in the body of knowledge of The Tobacco Institute or a change in policy, isn't that necessarily so?

MR. CRIST: Object to the form of the question.

MR. HEPLER: Object that it calls for conclusions.

BY MR. COOK:

Q One of the two?

MR. HEPLER: If she knows why, she can testify.

THE WITNESS: The only answer that I can provide you is in the last -- my involvement in the last four or five years, during which time, recognizing that there's,

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as I said, virtually universal knowledge that there's a link between smoking and health, the institute has not sought out or made an effort to discuss the issue.

BY MR. COOK:

Q By any chance on Stuntz Exhibit Number 3, could you have worked on that speech by Mr. Kornegay?

A No, I wasn't at the institute then.

Q Did Mr. Kornegay ever tell you at any time he was here or did he ever say that in his mind that there was no relationship between cigarette smoking and cancer?

A I was very, very junior staff member at the time of Mr. Kornegay's tenure. I can't recall any time that I had an occasion to discuss that with him. Nor would I have the occasion to discuss that with him.

Q He isn't the fellow that founded the libraries, is he?

MR. CRIST: I'm sorry. I didn't hear the question.

MR. HEPLER: It's a throwaway. It doesn't -- it's a throwaway.

BY MR. COOK:

Q By the way, you've been here for 12 years; is

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that right?

A 12-1/2.

Q And Mr. Merryman was here when you arrived?

A That's right.

MR. COOK: How long has Mr. Merryman been here? This is important now because this --

MR. CRIST: We've got a bet going.

THE WITNESS: I don't know how long he's been here. He was here when I came.

BY MR. COOK:

Q Do you think he would know how long he's been here?

A I hope so.

(Discussion off the record.)

BY MR. COOK:

Q Did you hire Ms. Dawson?

A No, I didn't.

Q She kind of looks like a female news anchor on television. I mean she does. Have you made that observation that she would appear to be photogenic?

A No. Most of the observations I've made about Dawson, about Brennan Dawson is that she's bright and

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articulate and she's very good at her job.

Q Is she really?

A Yes.

Q Do you make more money than she does or do you know?

A I make more money than she does.

MR. COOK: Jim, could you provide me that same information?

MR. GOOLD: Yes.

BY MR. COOK:

Q Do I make more money than she does?

MR. HEPLER: You make more money than The Tobacco Institute.

(Laughter.)

(Discussion off the record.)

MR. COOK: I think that's all I have. It's been very nice talking to you.

MR. HEPLER: Thank you, Susan.

(Whereupon, at 12:00 p.m., the deposition was concluded.)

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CERTIFICATE OF NOTARY PUBLIC & REPORTER

I, KRISTINE A. O'CONNOR, the officer before whom the foregoing deposition was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me; that the testimony of said witness was taken in shorthand and thereafter reduced to typewriting by me or under my direction; that said deposition is a true record of the testimony given by said witness; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this deposition was taken; and, further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

Kristine A. O'Connor
Notary Public in and for the
District of Columbia

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(Laughter.)

(Discussion off the record.)

MR. COOK: I think that's all I have. It's been very nice talking to you.

MR. HEPLER: Thank you, Susan.

(Whereupon, at 12:00 p.m., the deposition was concluded.)

Subscribed and sworn to before me this 19th day of October, 1992.

Susan M. Stautz

Notary Public

My Commission Expires: [illegible]

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